

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

23

11/7/01  
rj

CARLOS CHICO WOODS,

Petitioner

ORIGINAL

V.

CHESNEY, et, al.

Respondents

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CIVIL NO. 1: CV-01-1078  
(Judge Caldwell)

FILED  
HARRISBURG, PA

NOV 06 2001

REASONS FOR DELAY IN FILING REPLY MARY E. D'ANDREA, CLERK  
Deputy Clerk

AND NOW COMES, The petitioner, Carlos Chico Woods, Respectfully requesting that this Honorable Court accept his enclosed Reply to the Respondent's Answer, as being timely filed because of the same reasons that he has complained of in all of his requests for appointment of counsel. The petitioner states the following in support of these reason's:

- 1) The petitioner states that he has now been limited to the prison's Law Library even more now, and that he has suffered prejudice from these actions before.
- 2) The petitioner states that he was prejudiced when he was restricted at the last institution where he was transferred from for the same exact reason's, being denied the proper access to the Court's. Petitioner states that as a result of those restrictions, he was denied his appeal to the Supreme Court of Pennsylvania, when he was appealing an Order from the Commonwealth Court's, which he had never received. Petitioner states that, that Order was intercepted by prison official's and never given to him, so he was not able to timely appeal that order to the Supreme Court in a timely fashion.

- 3) The petitioner further states that he has also been delayed in filing this Reply to the Respondent's Answer because of the same exact reasons, and that he is now unable to file his reply as properly as he would like, so that this Honorable Court could properly review the respondent's errors which have been committed and which are still taking place as we address this matter. Petitioner states that he will not be able to file the proper requests or motions to obtain the documents and records that he has requested that this Honorable Court order the respondent's to turn over in his Reply to their Answer, nor will he be able to request all of the witnesses which are needed in this case to prove the petitioner's claims. The petitioner states that there are a number of witnesses which have witnessed the respondent's actions and he will not be able to get those witnesses without the assistance of counsel. The petitioner finally states that he will not be able to obtain the proper amount of copies that will be required to forward copies to the respondent's, nor will he be able to obtain the proper transcripts to prove his claims.

The petitioner cites the following cases in support of his request. See Ray v. Robinson, 640 F.2d 474, 477-78 (1981); Smith-Bey v. Petsock, 741 F.2d 22 (1984), Tabron v. Grace, 6 F.3d 147 (3rd Cir. 1993), Hetzel v. Swartz, 917 F.Supp. 344 (MD. Pa. 1996), and Parham v. Johnson, 126 F.3d 454 (3rd Cir. 1997).

WHEREFORE, The petitioner respectfully requests that this Honorable Court in its Jurisdiction, accept his Reply to the respondent's Answer as being filed timely. And it is further requested that this Honorable Court, for the reason's stated above, reconsider it's prior decision to appoint counsel in this matter to further protect the petitioner's rights.

The petitioner thanks this Honorable Court for its time and consideration in this matter.

Dated: October 30, 2001

Respectfully Submitted,

Carlos C. Woods

Mr. Carlos Chico Woods, Pro-se  
BY-9729 SCI-FRACKVILLE  
1111 Altamont Blvd.  
Frackville, Pa., 17931-2699